



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

ENRIQUE IRUEGAS,

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal
Justice, Institutional Division,

Respondent.

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2:05-CV-0049

**ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION, and
SUPPLEMENTAL REPORT AND RECOMMENDATION, and
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came this day for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner. On March 4, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application for a writ of habeas corpus be dismissed for failure to exhaust state court remedies. Petitioner filed objections to the Magistrate Judge's Report and Recommendation on March 15, 2005 and April 4, 2005. As a result of petitioner's objections, the Magistrate Judge ordered petitioner to provide more information by completing a questionnaire. Petitioner complied with such order on April 14, 2005. Thereafter on April 15, 2005, the Magistrate Judge issued a Supplemental Report and Recommendation, recommending therein that petitioner's application for a writ of habeas corpus be dismissed as time barred. Petitioner filed objections to the Magistrate Judge's Supplemental Report and Recommendation on April 25, 2005.

The undersigned United States District Judge has made an independent examination of the record in this case. All objections filed by petitioner are without merit and are hereby

OVERRULED. The Magistrate Judge's Report and Recommendation and Supplemental Report and Recommendation are hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DISMISSED. Let judgment be entered accordingly.

IT IS SO ORDERED.

ENTERED this 28th day of April 2005.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE